

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE..... October 20, 2004
 TIME..... 7:00 P.M.
 PLACE..... County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT

Mark Hermodson
 KD Benson
 David Williams
 John Knochel
 Vicki Pearl
 Jeff Kessler
 Gary Schroeder
 Steve Schreckengast
 Kevin Klinker
 Mike Smith
 Steve Egly
 Kathy Vernon

MEMBERS ABSENT

Lynda Phebus
 Carl Griffin
 Robert Bowman

STAFF PRESENT

Sallie Fahey
 Margy Deverall
 Krista Trout
 Jay Seeger, Atty.
 Bianca Bullock

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 20th of October 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Mark Hermodson called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey informed the Commission that there are no continuances. She also mentioned that Tranquility Minor Subdivision has had a name change to Serendipity Minor Subdivision.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the September 15, 2004 meeting. Kathy Vernon seconded.

Sallie Fahey pointed out that Steve Egly was present.

The motion, with change, carried by voice vote.

III. NEW BUSINESS

A. FINAL DETAILED PLANS

1. RESOLUTION PD 04-27 CAPP & GINO'S PLANNED DEVELOPMENT (Z-2160):

Final Detailed Plans (construction plans only) for a 2-story, single use commercial building with sit down coffee shop and drive-through on 0.27± acres located on North River Road (US 231) northwest of the State Street (SR 26) & North River Road intersection in West Lafayette, Wabash 20 (W ½) 23-4

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Margy Deverall presented slides of the zoning map and site plan. She read the staff report with recommendation of approval.

Daniel Teder, PO Box 280, Lafayette, IN, concurred with the staff report and requested approval.

The Commission voted by ballot 12 yes – 0 no to approve **RESOLUTION PD 04-27 CAPP & GINO'S PLANNED DEVELOPMENT (Z-2160).**

IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

A. ORDINANCE AMENDMENTS

1. UZO AMENDMENT #46:

An amendment which includes changes to the sections of the Ordinance regarding boarding, breeding and training horses; and also includes changes to the Use Table regarding the manufacturing of prepared feed and feed ingredients for animals and fowls, except dogs and cats.

Jeff Kessler moved to hear and approve UZO AMENDMENT #46. Kathy Vernon seconded the motion.

Sallie Fahey presented the staff report with a recommendation of approval.

Mark Hermodson said there had been lengthy discussion in Ordinance Committee regarding UZO Amendment #46.

Mike Smith asked if the public had expressed concerns about breeding and boarding of horses.

Sallie Fahey responded there was no one present during the Ordinance Committee's discussion of that part of the amendment, but staff has received phone calls regarding the issue.

Mike Smith asked if current horse breeders and boarders would be required to comply with the amendment change.

Sallie Fahey replied that they would be grandfathered.

The Commission voted by ballot 12 yes – 0 no to approve UZO AMENDMENT #46.

Mark Hermodson read the meeting procedures.

B. REZONING ACTIVITIES

1. **Z-2198– SMITH ENTERPRISES, INC. (~~R1B TO GB~~) (R1B TO NB – amended by petitioner on September 30, 2004)**

Petitioner is requesting rezoning of 1.806 acres located south of the railroad tracks on the east side of South 9th Street just north of Twyckenham, Lafayette, Wea 4 (NW) 22-4. CONTINUED FROM THE SEPTEMBER MEETING. SECOND CONTINUANCE.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Steve Schreckengast left the room due to a conflict of interest.

Sallie Fahey presented slides of the zoning map, site plan and 2 aerial photos. She summarized the staff report with recommendation of approval. She mentioned that the petitioner and the neighboring property owner have been working on an agreement regarding the ingress/egress easement so that customers of both properties would be able to use the parking lot, entrances and exits.

She also read the following letter into the record: Charles Vaughn, 909 Bank One Building, Lafayette, IN.

Sallie Fahey said that the one objection in the letter has been overcome by the document presented to staff signed by both the owners of the two neighboring properties.

Mike Smith asked if there would be only one driveway to both properties.

Sallie Fahey pointed out on the aerial photo where the shared driveway would be located. She said the petitioner would erect a median and a turn lane from Twyckenham Boulevard.

James Smith, Smith Enterprises, 1998 S. 26th Street, Lafayette, IN, concurred with the staff report and requested approval.

Mike Smith questioned why the petitioner changed the zoning request from GB to NB.

Jay Seeger explained that the Area Plan Commission by-laws only prevent the exact same filing within a year. He said if the petitioner changes the request, they are permitted to re-file.

Kevin Klinker asked if the amount of parking would be adequate.

Sallie Fahey responded the Lafayette City Engineer would handle the parking requirement.

Jeff Kessler inquired about the enforceability of the agreement between the properties regarding the ingress/egress easement and access.

Jay Seeger said that agreement is between the property owners only. He said, though, that the agreement would likely become a covenant.

Sallie Fahey said the agreed-upon easement is platted on the neighboring property. She also said that the Unified Zoning Ordinance gives the Lafayette City Engineer enough authority to monitor the access to the property.

The Commission voted by ballot 9 yes – 2 no to approve **Z-2198 – SMITH ENTERPRISES, INC. (R1B to GB) (R1B to NB)**.

Yes Votes

Mark Hermodson
Dave Williams
Vicki Pearl
Kathy Vernon
Steve Egly
Jeff Kessler
John Knochel
Gary Schroeder
Kevin Klinker

No Votes

Mike Smith
KD Benson

Steve Schreckengast returned to the meeting.

2. Z-2209 – ALAN WHITE (R1B TO NBU):

Petitioner is requesting rezoning of two platted lots located at 711 South 9th Street (just south of Kossuth Street), Lafayette, Fairfield 28 (SW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides of the zoning map, site plan and aerial photos. She read the staff report with recommendation of approval.

Daniel Teder concurred with the staff report and requested approval.

Kevin Klinker asked if the change in zoning classification would legitimize the use of the property.

Daniel Teder responded affirmatively.

The Commission voted by ballot 12 yes – 0 no to approve **Z-2209 – ALAN WHITE (R1B to NBU)**.

3. Z-2210 – MENARD, INC. c/o THOMAS W. O'NEIL (NB TO GB):

Petitioner is requesting rezoning of 19.66 acres located on the east side of CR 300 W and the north side of US 52, Wabash 2 (NW) 23-5.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides of the zoning map, site plan and aerial photos. She summarized the staff report with recommendation of approval.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, concurred with the staff report and requested approval.

Floyd Oaks, 3608 N 300 W, West Lafayette, IN, expressed concerns regarding water flow. He mentioned the large flood earlier this year. He said he also has concerns about access on 300 W and believes the increased traffic would adversely affect residents.

Jim Bower, 3750 N 300 W, West Lafayette, IN, said he is in favor of progress to the area. He also expressed concerns similar to those of Mr. Oaks.

Wayne Hayworth, 3616 N 300 W, West Lafayette, IN, said he is concerned about increased traffic on 300 W and the safety of school buses.

John Knochel mentioned the proposed retention ponds that would help with drainage. He mentioned that the county would not improve 300 W until the development begins, but he believes the Highway Department would require passing blisters.

Steve Schreckengast asked if the County would have authority to control the access on 300 W.

Sallie Fahey reviewed the aerial photo and discussed the two entrance options on US 52 and 300 W. She said if there were an entrance on US 52, the intersection with Klondike Road would likely be improved. She said. She expressed staff's opinion that full access on US 52 would be dangerous.

Steve Schreckengast asked if it would be appropriate to improve all of 300 W.

Sallie Fahey responded that would be appropriate and the County would have access control.

KD Benson suggested access on a Frontage Road off of US 52.

Sallie Fahey responded that would be recommended, but the Area Plan Commission cannot require it because both the Menard and Meijer sites are less than 10 acres and not subject to the Subdivision Ordinance.

Steve Schreckengast asked if there were any outlots planned.

Sallie Fahey said that is a possibility, but not immediately.

Steve Schreckengast asked if the Area Plan Commission could require improvements to 300 W.

John Knochel responded that the County Commissioners have more negotiating power than the Area Plan Commission in that regard.

Mark Hermodson said that drainage concerns would need to be addressed to the County Drainage Board. He explained that the County has the authority to monitor access on 300 W.

Jim Bower asked if the Flood Plain was going to be filled in.

Mark Hermodson responded affirmatively.

Sallie Fahey pointed out the land is in the Floodway Fringe and fill is permitted in the Floodway Fringe.

Krista Trout clarified where Mr. Bower's property is located in the Floodway Fringe.

The Commission voted by ballot 12 yes – 0 no to approve **Z-2210 – MENARD, INC. c/o THOMAS W. O'NEIL (NB to GB).**

4. **Z-2211 – COLONY PINES, LLC. (R1 TO GB):**
Petitioner is requesting rezoning of 9.559 acres located on the north side of Twyckenham Boulevard, just east of Old US 231 S, Lafayette, Wea 5 (NW) 22-4.
5. **Z-2212 – COLONY PINES, LLC. (R1 TO R1B):**
Petitioner is requesting rezoning of 27.460 acres located on the north side of Twyckenham Boulevard and the west side of Poland Hill Road, Lafayette, Wea 5 (NW) 22-4.
6. **Z-2213 – COLONY PINES, LLC. (R1 TO NB):**
Petitioner is requesting rezoning of 5.585 acres located on the northwest corner of Twyckenham Boulevard and Poland Hill Road, Lafayette, Wea 5 (NW) 22-4.
7. **Z-2214 – COLONY PINES, LLC. (R1 TO NB):**
Petitioner is requesting rezoning of 6.9 acres located at the southwest corner of Poland Hill Road and Beck Lane, Lafayette, Wea 5 (NW) 22-4.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded.

Vicki Pearl left the room due to a conflict of interest.

Sallie Fahey presented slides of the zoning map, site plan and 2 aerial photos. She summarized the staff report and addendum with recommendation of approval of requests **Z-2211**, **Z-2212**, and **Z-2214**. She summarized the staff recommendation of denial of request **Z-2213**.

Mike Smith asked if the NB zoning would be intrusive to the residential development in that area.

Sallie Fahey pointed out the shopping area southwest of the railroad tracks. She mentioned that Beck Lane is developing mostly with business and not residential areas.

Daniel Teder concurred with the staff's recommendations except regarding Z-2213. He mentioned a previous request for rezoning which placed business areas at the nodes of intersections. He also pointed out several areas of business at intersections: 18th Street & CR 350 S, Twyckenham Boulevard & 18th Street, and Union Street and Shenandoah Avenue. He believes the NB zoning request is appropriate and will not offend the surrounding R3 areas.

Jeff Kessler said he is in favor of the NB zoning at the intersections and believes it makes sense.

The Commission voted by ballot 11 yes – 0 no to approve **Z-2211– COLONY PINES, LLC. (R1 to GB).**

The Commission voted by ballot 11 yes – 0 no to approve **Z-2212– COLONY PINES, LLC. (R1 to R1B).**

The Commission voted by ballot 9 yes –2 no to approve **Z-2213– COLONY PINES, LLC. (R1 to NB).**

<u>Yes Votes</u>	<u>No Votes</u>
Jeff Kessler	Mark Hermodson
John Knochel	Mike Smith
Kathy Vernon	
Steve Egly	
Kevin Klinker	
Dave Williams	
Gary Schroeder	
Steve Schreckengast	

The Commission voted by ballot 10 yes –1 no to approve **Z-2214– COLONY PINES, LLC. (R1 to NB).**

<u>Yes Votes</u>	<u>No Votes</u>
John Knochel	Mike Smith

Jeff Kessler
 Kevin Klinker
 Mark Hermodson
 KD Benson
 Steve Egly
 Steve Schreckengast
 Kathy Vernon
 Gary Schroeder
 Dave Williams

Vicki Pearl returned to the meeting.

C. SUBDIVISIONS

1. S-3579 – BRICK’N’WOOD COMMERCIAL SUBDIVISION, (Major-Preliminary):

Petitioner is proposing a 2-lot commercial subdivision on 6.134 acres, located at the northeast corner of Twyckenham Boulevard and South 9th Street, in Lafayette, Wea 4 (NW) 22-4.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides of the zoning map, site plan and 2 aerial photos. She summarized the staff report with recommendation of approval contingent on the following:

Construction Plans – The following items shall be part of the Construction Plans application and approval:

1. The Lafayette City Engineer shall approve the sanitary sewer, water and drainage plans.
2. If required, an Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made part of the utility coordinating sheet.

Final Plat – The following items shall be part of the Secondary Application and Final Plat approval:

4. Except for the approved entrances, “No Vehicular Access” statements shall be platted along the South 9th Street and Twyckenham Boulevard right-of-way lines.
5. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
6. All required building setbacks shall be platted.
7. The street addresses and County Auditor’s Key Number shall be shown.

Subdivision Covenants – The following items shall be part of the subdivision covenants:

8. The “No Vehicular Access” statements shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Joseph T. Bumbleburg concurred with the staff report and requested bonding and approval.

The Commission voted by ballot 12 yes – 0 no to permit bonding for all public improvements.
The Commission voted by ballot 12 yes – 0 no to grant conditional primary approval to **S-3579 – BRICK’N’WOOD COMMERCIAL SUBDIVISION (Major-Preliminary).**

2. S-3580 – LUCK SUBDIVISION (Major-Preliminary):

Petitioner is seeking primary approval for a 4-lot residential subdivision on 0.64 acres, located at the northeast corner of Poland Hill Road and Poland Hill Lane, in Lafayette, Fairfield 32 (SW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides and read the staff report recommending approval contingent on the following:

Construction Plans – The following items shall be part of the Construction Plans application and approval:

1. The Lafayette City Engineer shall approve the sanitary sewer, water and drainage plans.
2. If required, an Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made part of the utility coordinating sheet.

Final Plat – The following items shall be part of the Secondary Application and Final Plat approval:

4. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
5. An adequate easement shall be platted for the sanitary sewer main.
6. All required building setbacks shall be platted.
7. The street addresses and County Auditor's Key Number shall be shown.

Subdivision Covenants – The following items shall be part of the subdivision covenants:

8. A restriction limiting all lots to single-family dwellings shall be specified.

Tim Balensiefer, TBird, 4720 S 100 West Lafayette, IN, concurred with the staff report and requested approval.

The Commission voted by ballot 12 yes – 0 no to permit bonding for all public improvements.

The Commission voted by ballot 12 yes – 0 no to grant conditional primary approval to **S-3580 – LUCK SUBDIVISION (Major-Preliminary).**

V. CITIZEN COMMENT AND GRIEVANCES

None

VI. ADMINISTRATIVE MATTERS

None

VII. APPROVAL OF THE SEPTEMBER EXECUTIVE COMMITTEE AGENDA

Jeff Kessler moved that the following subdivision petitions be placed on the November 3, 2004 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3581 – CLCW FUNK SUBDIVISION (Minor-Sketch)

S-3582 – BARNEY'S REST (Minor-Sketch)

S-3584 – AMIE'S ACRES SUBDIVISION (Minor-Sketch)

S-3588 – SERENDIPITY MINOR formerly TRANQUILITY MINOR (Minor-Sketch)

S-3589 – SHEFFIELD FARMS (Minor-Sketch)

Kathy Vernon seconded and the motion carried by voice vote.

VIII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute.

Z-1677 – RAISOR POWER SPORTS REAL ESTATE I LLC

Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to **BZA – 1677** the sign ordinance be strictly adhered to. Kathy Vernon seconded and the motion carried by voice vote.

IX. DIRECTOR'S REPORT

Sallie Fahey highlighted the written director's report. She mentioned the Farm Heritage Trail presentation is slated for November 3, 2004 following the Executive Committee meeting. She said the Area Plan Commission staff will be heading up the county effort to create an All-Hazard Mitigation Plan. She updated the Commission on the number of building permits for the month of October and spoke about the progress on the Land Use Database.

X. ADJOURNMENT

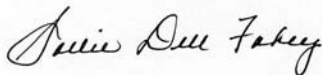
Mike Smith moved for adjournment. Kathy Vernon seconded and the motion carried by voice vote.
The meeting was adjourned at 8:30 P.M.

Respectfully submitted,



Bianca Bullock
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director